

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1-12, 19-29, and 34-50 will be pending. No new matter has been added.

§103 Rejection of Claims 1-3, 9, 19-21, 27, 34-42, and 45-47

In Section 3 of the February 7, 2006 Office Action (“the Office Action”), claims 1-3, 9, 19-21, 27, 34-42, and 45-47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone (U.S. Patent Application No. 2005/0005303) in view of Andrade (U.S. Patent Application No. 2002/0059644). This rejection is respectfully traversed.

Independent claim 1 recites an interactive enabling system for managing interactive program content associated with enhanced program content and interactive commercial content associated with commercial spots as follows:

An interactive enabling system for managing interactive program content associated with enhanced program content and interactive commercial content associated with commercial spots, the system comprising:

an interactive enabling device coupled for receiving a broadcast stream, said broadcast stream including the enhanced program content in series with the commercial spots, the broadcast stream further including interactive program triggers and interactive commercial triggers for retrieving the interactive program and commercial content; and

at least one interactive content server coupled for communicating with an interactive control application in the interactive enabling device;

wherein the interactive enabling device executes the interactive control application to manage the retrieval of the interactive

program and commercial content from the at least one interactive content server in response to the interactive program and commercial triggers.

(emphasis added)

Therefore, an interactive enabling system including the above features has at least the advantage that an interactive enabling device is coupled for receiving a broadcast stream, where the broadcast stream includes enhanced program content in series with the commercial spots and the broadcast stream also includes interactive program triggers and interactive commercial triggers for retrieving the interactive program and commercial content. Further, the interactive enabling device executes an interactive control application to manage the retrieval of the interactive program and commercial content from the at least one interactive content server in response to the interactive program and commercial triggers. Thus, an interactive enabling system including the above features allows for managing both interactive program content and interactive commercial content when a broadcast stream includes enhanced program content in series with commercial spots. See *Specification, page 5, lines 2-4; Figures 3 and 4*.

By contrast, Andrade neither discloses nor suggests an interactive enabling system including the above-described features. In Figure 1A, Andrade discloses an interactive television system 100 with TV 104 that can receive and display TV broadcast 108 with interactive trigger 112. *Andrade, paragraph [0020]*. However, as illustrated in Figure 1A of Andrade, the TV broadcast 108 is the TV commercial 108. *Andrade, Figure 1A*. Thus, in the system of Andrade, the TV trigger is only an interactive commercial trigger for retrieving a web page from web server 118 for interactive commercial content, and Andrade neither discloses nor suggests an interactive enabling device coupled for receiving a broadcast stream, where the broadcast stream includes interactive program triggers and interactive commercial triggers for retrieving

interactive program and commercial content. *Andrade, paragraphs [0020] and [0028].* Further, as stated on page 4 of the Office Action, “Barone fails to disclose a broadcast stream further including interactive program triggers for retrieving the interactive program.” *Emphasis added.* Therefore, neither Andrade nor Barone discloses an interactive enabling system including interactive triggers for retrieving the interactive program.

The Examiner uses the hindsight of this application to combine two references, which are related only in that they both disclose interactive television broadcast, to state that the combination discloses an interactive enabling system with above-described features. However, as indicated above, neither Andrade nor Barone discloses a broadcast stream including interactive program triggers for retrieving the interactive program. Therefore, neither Andrade nor Barone includes any motivation to combine the two references. Further, as stated above, even if Andrade and Barone are combined, the combination fails to teach or suggest an interactive enabling device coupled for receiving a broadcast stream, where the broadcast stream includes interactive program triggers and interactive commercial triggers for retrieving interactive program and commercial content. Accordingly, Barone and Andrade, individually or in combination, fail to disclose all the limitations of claim 1.

Based on the foregoing discussion, claim 1 should be allowable over Barone and Andrade. Independent claims 9, 19, and 27 include the above-discussed relevant limitations for claim 1 in substantially similar forms. Therefore claims 9, 19, and 27 should also be allowable over Barone and Andrade. Since claims 2-3, 20-21, 34-42, and 45-47 depend from one of independent claims 1, 9, 19, and 27, claims 2-3, 20-21, 34-42, and 45-47 should also be allowable over Barone and Andrade.

Accordingly, it is submitted that the rejection of claims 1-3, 9, 19-21, 27, 34-42, and 45-

47 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 4 and 22

In Section 4 of the Office Action, claims 4 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone and Andrade and further in view of Park (U.S. Patent No. 6,460,180).

Based on the foregoing discussion regarding claims 1 and 19, and since claims 4 and 22 depend from claims 1 and 19, respectively, claims 4 and 22 should be allowable over Barone and Andrade. Further, Park is merely cited for disclosing “event and time-driven triggers embedded in the broadcast stream”. Therefore, the combination of Barone, Andrade, and Park still lacks the above-discussed relevant limitations. Therefore, claims 4 and 22 should also be allowable over Barone, Andrade, and Park.

Accordingly, it is submitted that the rejection of claims 4 and 22 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 5-7 and 23-25

In Section 5 of the Office Action, claims 5-7 and 23-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone and Andrade and further in view of Zigmond *et al.* (U.S. Patent No. 6,698,020; hereinafter referred to as “Zigmond1”).

Based on the foregoing discussion regarding claims 1 and 19, and since claims 5-7 and 23-25 depend from claims 1 and 19, respectively, claims 5-7 and 23-25 should be allowable over

Barone and Andrade. Further, Zigmond1 is merely cited for disclosing “that the gatekeeper is configured to recognize the interactive program and commercial triggers based on agreements”. Therefore, the combination of Barone, Andrade, and Zigmond1 still lacks the above-discussed relevant limitations. Therefore, claims 5-7 and 23-25 should also be allowable over Barone, Andrade, and Zigmond1.

Accordingly, it is submitted that the rejection of claims 5-7 and 23-25 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 10, 11, and 28

In Section 6 of the Office Action, claims 10, 11, and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone and Andrade and further in view of Markel (U.S. Patent No. 6,791,579).

Based on the foregoing discussion regarding claims 9 and 27, and since claims 10, 11, and 28 depend from one of claims 9 and 27, claims 10, 11, and 28 should be allowable over Barone and Andrade. Further, Markel is merely cited “for receiving interactive program and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in advance”. Therefore, the combination of Barone, Andrade, and Markel still lacks the above-discussed relevant limitations. Therefore, claims 10, 11, and 28 should also be allowable over Barone, Andrade, and Markel.

Accordingly, it is submitted that the rejection of claims 10, 11, and 28 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

§103 Rejection of Claims 8, 12, 26, 29, 43, 44, and 48-50

In Section 7 of the Office Action, claims 8, 12, 26, 29, 43, 44, and 48-50 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Barone and Andrade and further in view of Zigmond2 (U.S. Patent No. 6,698,020; hereinafter referred to as “Zigmond2”).

Based on the foregoing discussion regarding claims 1, 9, 19, and 27, and since claims 8, 12, 26, 29, 43, 44, and 48-50 depend from one of claims 1, 9, 19, and 27, claims 8, 12, 26, 29, 43, 44, and 48-50 should be allowable over Barone and Andrade. Further, Zigmond2 is merely cited for disclosing “randomizer”. Therefore, the combination of Barone, Andrade, and Zigmond2 still lacks the above-discussed relevant limitations. Therefore, claims 8, 12, 26, 29, 43, 44, and 48-50 should also be allowable over Barone, Andrade, and Zigmond2.

Accordingly, it is submitted that the rejection of claims 8, 12, 26, 29, 43, 44, and 48-50 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.


Conclusion

In view of the foregoing, applicant respectfully requests reconsideration of claims 1-12, 19-29, and 34-50 in view of the remarks and submits that all pending claims are presently in condition for allowance.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,
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